

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Massimiliano Pincione :

Plaintiff :

v. :

David Dale :

Defendant :

***** Case No. 1:11-cv-00367 (AJT/IDD)

David Dale :

and :

SMI Hyundai Corporation Ltd. :

Counterclaim Plaintiffs :

v. :

Massimiliano Pincione :

and :

H.R.H. Prince Khaled Bin Al Waleed :

Counterclaim Defendants :

DEFENDANT DAVID DALE'S OBJECTIONS TO PLAINTIFF'S TRIAL EXHIBITS

David Dale, pursuant to this Court's ORDER of May 2, 2011, hereby files his objections to Plaintiff's proposed trial exhibits:

Defendant objects generally to Plaintiffs exhibits because we do not know in advance the purpose for which the exhibits will be offered, or what theory of admissibility will be advanced for each exhibit, see Federal Rules of Evidence 104, 105, 401, 402, 801, and 802.

Notwithstanding the above objection, Defendant objects to specific exhibits proffered by Plaintiff as follows:

1. Exhibit 1. - Plaintiff's Complaint: Object, not relevant.
2. Exhibit 2. - Defendant's Responses to Plaintiff's First Set of Interrogatories and supplemental responses: Object, pending advancement of a theory of admissibility.
3. Exhibit 3. - May 7, 2010 First Agreement between SMI-Hyundai Corporation and PKMP. - We do not object to admitting this document as a fraudulent document to the extent it shows the manner and means of the fraud against SMI and Dale and the motivation for forgery. Otherwise, we object to it.
4. Exhibit 4. - May 7, 2010 Second Agreement between SMI-Hyundai Corporation and PKMP. - We do not object to admitting this document as a fraudulent document to the extent it shows the manner and means of the fraud against SMI and Dale and the motivation for forgery. Otherwise, we object to it.
5. Exhibit 5. - May 18, 2010 Agreement between SMI-Hyundai Corporation and PKMP. - We do not object to admitting this document as a fraudulent document to the extent it shows the manner and means of the fraud against SMI and Dale and the motivation for forgery. Otherwise, we object to it.
14. Exhibit 14. - Letter from HeimLantz to HRH Prince Khaled, dated December 4, 2009 with attachment: Object, not relevant, except as it may show the motivation for forgery.
15. Exhibit 15. - Cost for each Project Charts: - Object, not relevant, except as these documents may show the motivation for forgery.

21. Exhibit 21. – Summary of Filed Issues: - Object, not relevant, except as these documents may show the motivation for forgery.
24. Exhibit 24. – Plaintiff's Rule 26(A)(2) Expert Witness Disclosure, Robert W. Lesnevich's Report of Examination and Resume: - Object, pending advancement of a theory of admissibility.
48. Exhibit 48. – Email from Peter Jung to Max Pincione, dated March 13, 2010, Re: Malcolm email: - Object, pending advancement of a theory of admissibility.
53. Exhibit 53. – Tripoli Green, Conference Palace, Tripoli Chart: - Object, not relevant, except as these documents may show a motivation for forgery.
56. Exhibit 56. – Transcription and Translation of 17 Recordings for MK Kim; Recordings: - Object, pending advancement of a theory of admissibility.
57. Exhibit 57. – Man Kim Criminal Cases: Object, not relevant and not admissible. There is no evidence of a final judgment.
58. Exhibit 58. – David Dale Criminal Case Opinion: - Object. This is not admissible. The issue of David Dale's criminal record is time barred pursuant to Federal Rule of Evidence 609.

Respectfully submitted,

David Dale
By Counsel

/s/

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Certificate of Service

I hereby certify that on the 31st day of October, 2011, a true copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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_____/s/
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